

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

JOSEPH WHITEHOUSE and	)	Civil Action No.: 05-cv-10939 MEL
SYLVIA WHITEHOUSE,	)	
	)	
Plaintiffs	)	
	)	
vs.	)	
	)	
ACADIA INSURANCE COMPANY,	)	
	)	
Defendant	)	
	)	

**JOINT STATEMENT PURSUANT TO LOCAL RULE 16.1(D)**

Joseph and Sylvia Whitehouse (the “Plaintiffs”) and Acadia Insurance Company (the “Defendant”) (collectively referred to as “the Parties”), submit the following Joint Statement pursuant to Local Rule 16.1(D). The scheduling conference is currently scheduled for 2:00 p.m. on Thursday June 21, 2007.

I. **RULE 16.1(D) - AGREED-UPON DISCOVERY PLAN**

The Parties agree on the following proposed discovery plan:

1. The Parties will serve their Fed.R.Civ.P. 26(a)(1) disclosures on or before July 13, 2007.
2. Beginning of discovery any time after June 21, 2007.
3. Service of all Interrogatories, Requests for Production of Documents and Requests for Admissions no later than 31 days prior to close of discovery.

4. Non-expert depositions to be concluded on or before October 31, 2007. The Parties do not anticipate the need to exceed the ten-per-side deposition limit set forth in Local Rule 26.1(c). If the need arises after discovery is commenced, the Parties reserve the right to seek the Court's approval to exceed the ten-per-side limit.

5. Depositions noticed pursuant to Fed.R.Civ.P. 30(b)(6) and depositions of experts shall be taken in or near the locality where the witness resides or works unless both Parties and the witness agree or there is a court order otherwise.

6. Plaintiffs must provide the expert disclosure required pursuant to Fed.R.Civ.P. 26(a)(2) on or before November 30, 2007.

7. Plaintiffs shall produce their proposed trial experts for deposition on or before January 1, 2008. In accordance with Fed.R.Civ.P. 26(b)(4), expert witnesses should be produced without need for subpoena.

8. Defendant must provide the expert disclosure required pursuant to Fed.R.Civ.P. 26(a)(2) on or before February 16, 2008.

9. Defendant shall produce its proposed trial experts for deposition on or before March 31, 2008. In accordance with Fed.R.Civ.P. 26(b)(4), expert witnesses should be produced without need of subpoena.

10. With respect to expert depositions, the party noticing the deposition shall be responsible for paying the travel expenses and reasonable fees of the expert for time spent at the deposition pursuant to Fed.R.Civ.P. 26(b)(4). The Parties shall be responsible for compensating their own experts for all preparation time.

11. All discovery to be concluded on or before March 31, 2008.

12. The Parties reserve the right to take de bene esse depositions of witnesses who will be unavailable for trial, up until 21 days prior to trial, excluding "emergency" situations where a witness becomes unavailable after the deadline.

II. PROPOSED SCHEDULE FOR THE FILING OF MOTIONS

1. All motions relating to joinder of Parties, claims, and remedies and all motions to amend pleadings shall be filed on or before September 1, 2007.
2. All dispositive motions, including summary judgment motions pursuant to Fed.R.Civ.P. 56, shall be filed on or before April 15, 2008.
3. Final pretrial conference to be held on some date on or after May 1, 2008.
4. The Parties anticipate being ready for trial in June of 2008.

III. ADR AND TRIAL BY MAGISTRATE

The Parties have been advised of alternative dispute resolution programs in accordance with Local Rule 16.1(D)(3). The Parties either have filed, or will file prior to the Scheduling Conference, the required statements pursuant to Local Rule 16.1.

Neither party is prepared, at this time, to consent to trial by a Magistrate Judge.

IV. SETTLEMENT

Pursuant to Local Rule 16.1(C), Defendant is currently awaiting a settlement demand from Plaintiffs, and will be prepared to respond at the Scheduling Conference.

PLAINTIFFS

JOSEPH WHITEHOUSE  
SYVIA WHITEHOUSE

By their attorney

/s/ Thomas M. Glynn, Esq.  
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DEFENDANT

ACADIA INSURANCE COMPANY

By its attorneys

/s/ Leonard W. Langer, Esq.  
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Dated: June 14, 2007